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## **REMARKS**

### **Remarks Directed to Election/Restrictions**

Applicant notes with appreciation the Examiner's identification of claims 54 and 56 as allowed. Applicant notes however a discrepancy with regard to "Disposition of Claims" detailed in the "Office Action Summary" mailed February 10, 2005 wherein it is stated both that claims 54 and 56 are allowed and that claim 54 is rejected. It is also noted that the Office Action Summary recites claim 55 is also rejected despite the fact that this claim was previously canceled. Claims 1, 2, 6, 7, 9-33, 54 and 56 are the claims currently pending. Of those, claims 1, 14, 22, 27, 33, 54 and 56 are independent claims. New claims 57-64 have been added. Of those, claims 57 and 62-65 are in independent form.

### **Remarks Directed to Claim Objections**

Claim 30 stands objected to due to an informality. Claim 30 is hereby cancelled, rendering this objection moot. Applicant therefore respectfully requests withdrawal of the objection.

### **Remarks Directed to Rejection Under 35 U.S.C. §112, Second Paragraph**

Claim 6 is rejected as being indefinite for depending from a cancelled claim. Claim 6 is hereby cancelled, rendering this rejection moot. Applicant therefore respectfully requests withdrawal of the objection.

### **Remarks Directed to Rejection Under 35 U.S.C. §112, First Paragraph**

Claims 1, 2, 6, 7, and 9-33 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description and enablement requirements. Claims 1, 2, 6, 7, and 9-33 are hereby cancelled, rendering this rejection moot.

Applicant notes that the Examiner has identified four E. coli purine nucleoside phosphorylase mutants described in the present specification as "functional" and states that "only the M65V, A157L, A157V and E180D have PNP activity that is significantly higher than the negative control." (February 10, 2005 Office Action, p.8) Applicant notes that even by this criterion more than four of the disclosed mutants are "functional." For example, Table I shows that the

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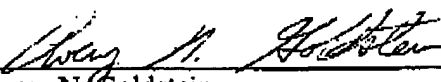
mutant M65A has nearly twice the activity seen in a negative control (0.8 control vs 1.5 M65A), and the mutant D205N likewise has greater activity than that of a negative control (0.8 control vs 2.2 D205N). Table II also shows M65A is "functional" according to this definition.

The Examiner states that "[t]he specific mutant E. coli PNPs that are enabled by the specification are the E. coli M65V, A157L, A157V and E180D mutants. Amending the pending claims such that they are limited to these specific E. coli PNP mutations would obviate the instant rejection." (February 10, 2005 Office Action, p.8) As noted above, Applicant hereby cancels claims 1, 2, 6, 7, and 9-33 and submits new claims 57-65 directed to the subset of mutants identified by the Examiner. In addition Applicant has included the M65A and D205N mutants in the new claims.

#### Summary

By this amendment, claims 1, 2, 6, 7 and 9-33 have been cancelled. Applicant reserves the right to pursue these claims in future. Claims 54 and 56-65 are pending. It is submitted that the present amendment merely cancels claims and adopts examiner suggestions and therefore entry of this amendment is solicited. Each claim is believed to be in proper form and directed to allowable and patentable subject matter. Should the Examiner find to the contrary, it is respectfully requested that the undersigned attorney be contacted.

Respectfully submitted,

By:   
 Avery N. Goldstein  
 Reg. No. 39,204  
 Gifford, Krass, Groh, Sprinkle,  
 Anderson & Citkowski, PC  
 PO Box 7021  
 Troy, MI 48007-7021  
 (248) 647-6000 FAX (248) 647-5210

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**CERTIFICATE UNDER 37 CFR 1.8(a)**

I hereby certify that this correspondence is being sent to the United States Patent Office via  
facsimile (703-872-9306) on April 11, 2004.

  
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Avery Goldstein